

## SCHEDULES

### SCHEDULE 16

#### BREACH OR AMENDMENT OF SUSPENDED SENTENCE ORDER, AND EFFECT OF FURTHER CONVICTION

##### **PART 2**

##### BREACH OF COMMUNITY REQUIREMENT OR CONVICTION OF FURTHER OFFENCE

*Exercise of power in paragraph 13: duty to make activation order where not unjust*

- 14 (1) Where the court deals with the case under paragraph 13, it must make an order under paragraph 13(1)(a) or (b) (“an activation order”) unless it is of the opinion that it would be unjust to do so in view of all the circumstances, including the matters mentioned in sub-paragraph (2).

Where it is of that opinion the court must state its reasons.

- (2) The matters referred to in sub-paragraph (1) are—
- (a) the extent to which the offender has complied with any community requirements of the suspended sentence order, and
  - (b) in a case falling within paragraph 11 or 12(3) (conviction of further offence during operational period), the facts of the subsequent offence.